IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CWP No.3511 of 2007
Date of Decision: 8.3.2007

Major Singh

Petitioner

versus

State of Punjab and others

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MRS. JUSTICE NIRMAL YADAV

Present: Shri J.S.Thind, Advocate for the petitioner

Jasbir Singh, J. (Oral)

The petitioner, by filing this writ petition, has prayed that a writ of certiorari be issued to quash order dated 19.1.2007 (Annexure P/5), vide which, respondent No.2 ordered restoration of the water course under the provisions of Section 30FF of the Northern India Canal and Drainage Act, 1873.

It is apparent from the records that, to restore the water course, the above mentioned officer has referred to the *Warabandi* (turn of water), fixed to irrigate the land of the respondent No.4. By referring to the site plan (Annexure P/3), counsel for the petitioner has failed to show us that any alternative source of irrigation exists to irrigate land of the respondent No.4, at whose instance, water course was restored. Respondent No.2, while passing the impugned order, has observed thus:-

> *"This case was again consider on 19.1.2007 at Ludhiana. After considering the fact this Court has found that the water course should be restored to irrigate the area of the appellant for irrigation. Appellant has produced the copy of*

the warabandi in the court as a proof of existence of water course, this shows that the turn was fixed upon this water course for the area of the appellant and turn was fixed upon this water course. Because the turn was fixed upon the disputed water course to the area of the appellant. Thus, the water course to be restore for irrigation to the land of the appellant. When the opposite party was asked by the court that why they did not want to restore the water course and the warabandi already fixed upon it, then they did not give any argument in the Court. Thus, the appeal of the appellant be accepted and restore the water course for proper irrigation and also in the favour of crop and the order dated 19.6.2006 passed by the Divisional Canal Officer, Bathinda Canal Division, Bhatinda be set aside. This decision has passed under Section 30FF of Canal and Drainage Act 8 year 1873."

We feel that the order passed is perfectly justified. No case is made out for interference.

Dismissed.

(Jasbir Singh)
Judge

March 08, 2007 **(Nirmal Yadav)**
gk **Judge**